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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,300	08/16/2001	Michael Wayne Brown	AUS920010299US1	3161

7590 09/21/2005

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EXAMINER
ALAM, UZMA

ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/931,300	BROWN ET AL.
	Examiner	Art Unit	
	Uzma Alam	2157	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 June 2005*.
2a)☒ This action is FINAL.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,7-13,25-28,31,32,34-37 and 49* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-4,7-13,25-28,31,32,34-37 and 49* is/are rejected.
7)☐ Claim(s) ___ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *16 August 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

This action is responsive to the election of claims dated June 29, 2005. Claims 6, 14-24,

29, 30 38-48 and 50 are cancelled. Claims 1, 8, 25, 34, and 49 are amended. Claims 1-4, 7-13,

25-28, 31,32, 34-37 and 49 are pending. Claims 1-4, 7-13, 25-28, 31,32, 34-37 and 49 represent

a method for monitoring data sent from a computer.

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

2.   Claims 1-4, 7-13, 25-28, 31,32, 34-37 and 49 are rejected under 35 U.S.C. 112, second

paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject

matter which applicant regards as the invention.

3.   As per claims 1, 25, and 49, the limitation "at least one of" renders the claim(s) indefinite

because the claim(s) can include either one or both of the elements listed, thereby rendering the

scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 101

4.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
> any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
> requirements of this title.

5.   The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

6.   Claim 49 is rejected under 35 U.S.C. 101 because the claimed "computer readable

media" is directed to non-statutory subject matter.

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
> sale in this country, more than one year prior to the date of application for patent in the United States.

8.   Claims 1-3, 7, 9, 11-13, 25-27, 31, 34-37, and 49 are rejected under 35 U.S.C. 102(b) as

being anticipated by Schneider et al. US Patent No. 6,105,027.

Schneider discloses the invention as claimed including data transfer monitoring (see

abstract).

9.   As per claims 1, 25, and 49, Schneider teaches a method, apparatus and computer

program product in a computer system, for monitoring data from a computer, comprising:

detecting a request for an outgoing transfer of data from a program in the computer

system destination (column 2, lines 48-67; column 3, lines 1-16; column 7, lines 43-67);

determining whether the destination is trusted site (column 2, lines 63-67; column 3, lines

1-14, column 8, lines 43-64 column 9, lines 1-25); and

performing a corrective action if the destination is not a trusted site, wherein the step of

performing a corrective action comprises at least one of (i) changing the destination of the

outgoing transfer to the computer system; and determining whether the program operated in

response to the changed destination, and (ii) encrypting the data and determining whether the program operates in response to the encryption (encrypting the data and determining whether it passes through the access points; column 9, lines 21-40; column 10, lines 19-43; column 35, lines 40-52).

10.   As per claims 2 and 26, Schneider teaches the method and apparatus of claims 1 and 25 wherein the step of determining whether the destination is a trusted site comprises matching the destination against a list of trusted sites (column 11, lines 29-53)

11.   As per claims 3 and 27, Schneider teaches the method and apparatus of claims 1 and 25 wherein the corrective action comprises blocking the outgoing transfer (column 12, lines 33-44).

12.   As per claims 7 and 31, Schneider teaches the method and apparatus of claims 1 and 25 wherein the step of irreversibly encrypting the data comprises injecting random numbers into the data (column 43, lines 53-67).

13.   As per claims 9 and 34 Schneider teaches the method and apparatus of claims 1 and 25 further comprising:

determining whether the data includes personal information (column 9, lines 41-67; column 10, lines 44-55); and

performing the corrective action if the data includes personal information (column 10, lines 1-55).

14.   As per claims 11 and 35, Schneider teaches the method and apparatus of claims 1 and 25

wherein the step of performing a corrective action comprising storing a log of the outgoing

transfer (column 8, lines 41-64).

15.   As per claims 12 and 36, Schneider teaches the method and apparatus of claims 11 and

35 wherein the step of storing a log comprises storing a log of the outgoing transfer comprises

storing the data (column 8, lines 41-64).

16.   As per claims 13 and 37 Schneider teaches the method and apparatus of claims 11 and 35

further comprising transferring the log to a remote computer (column 8, lines 41-64).

Claim Rejections - 35 USC § 103

17.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

18.   Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider et al.

US Patent No. 6,105,027 in view of Duvall et al. US Patent No. 5,884,033.

19.   Duvall teaches the invention as claimed including a method for monitoring network

connections (see abstract)

20.   Schneider teaches the method and apparatus of claim 1. Schneider does not teach wherein the step of determining whether the data includes personal information comprises performing a text string or search binary pattern search on the data. Duvall teaches wherein the step of determining whether the data includes personal information comprises performing a text string or search binary pattern search on the data. See column 6, line 29-67.

        It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine checking for personal information of Schneider with searching for a text string including persona information of Duvall. A person of ordinary skill in the art would have been motivated to do this to determine a match against a rule for allowing or blocking data..

21.   Claims 4, 8, 28 and 32 are is rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider et al. US Patent No. 6,105,027 in view of Hursey et al. US Patent Publication No. 2003/0023875.

22.   Hursey teaches the invention as claimed including checking for malware attacks from a computer system (see abstract).

23.   As per claims 4 and 28, Schneider teaches the method and apparatus of claims 1 and 25. Schneider does not teach wherein the corrective action comprises disabling the program. Hursey teaches wherein the corrective action comprises disabling the program. See paragraph 0033.

        It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine blocking transmission of data of Schneider with disabling the program of Hursey. A person of ordinary skill in the art would have been motivated to do this to prevent sensitive information from being sent out of the system.

24.   As per claims 8 and 32, Schneider teaches the method and apparatus of claims 1 and 25.

Schneider does not teach further comprising:

    determining whether the amount of data for the outgoing transfer uncharacteristically

high; performing a corrective action if the amount of data is uncharacteristically high.

    Hursey teaches determining whether the amount of data for the outgoing transfer

uncharacteristically high (paragraph 0014, 0015, 0033);

    performing a corrective action if the amount of data is uncharacteristically high

(paragraph 0035, 0037).

    It would have been obvious to a person of ordinary skill in the art at the time of the

invention to combine monitoring outgoing traffic of Schneider with monitoring amount of data

of Hursey. A person of ordinary skill in the art would have been motivated to do this to enhance

the monitoring filters of the system.

Response to Arguments

25.   Applicant's arguments with respect to claims 1-4, 7-13, 25-28, 31,32, 34-37 and 49 have

been considered but are moot in view of the new ground(s) of rejection.

Conclusion

26.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Uzma Alam whose telephone number is (571) 272-3995. The

examiner can normally be reached on Monday-Tuesday 9 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Uzma alam
Ua
September 12, 2005

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SUPERVISORY PATENT EXAMINER
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